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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALF RENTAL COMPANY, INC.,	:	
	:	Docket No.
Plaintiff,	:	07 CV 3148 (LAK)
BUILDERS RESOURCE, INC., D'ONOFRIO GENERAL:	:	ANSWER TO CROSS-CLAIM
CONTRACTORS CORP.,CONSOLIDATED EDISON	:	OF DEFENDANT
OF NEW YORK, INC., TERRA DINAMICA, LLC,	:	CONSOLIDATED EDISON
CORESLAB STRUCTURES, and NICHOLSON	:	<u>OF NEW YORK, INC.</u>
CONSTRUCTION CO.,	:	
	:	
Defendants.	:	
-----X		
BUILDERS RESOURCE, INC.,	:	
	:	
Third-Party Plaintiff,	:	
	:	
-against-	:	

BAY CRANE SERVICE, INC.,	:	
	:	
Third-Party Defendant.	:	
-----X		

Defendant, D'Onofrio General Contractors Corp. (hereafter "D'Onofrio"), by and through its attorneys, Treacy, Schaffel, Moore & Mueller, answers the Cross-Claim of co-defendant, Consolidated Edison of New York, Inc. (hereafter "Con Ed") and avers as follows:

1. Denies the allegations stated and contained in paragraph "34" of the Answer and Cross-Claim of Con Ed, and avers that plaintiff's Complaint does not assert

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culpable conduct on the part of Con Ed, but rather asserts a claim against Con Ed as a statutory defendant.

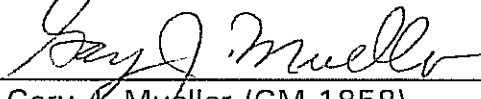
2. Admits the existence of a written contract between Con Ed and D'Onofrio and respectfully refers the Court to said contract for all its terms and conditions as if the same were set forth fully and in their entirety herein, as same will be produced upon the trial of this action. Except as specifically admitted, denies the allegations stated and contained in paragraph "35" of Con Ed's Answer and Cross-Claim.

3. Denies each and every allegation stated and contained in paragraph "36" of Con Ed's Answer and Cross-Claim.

WHEREFORE, defendant D'Onofrio General Contractors Corp. demands judgment dismissing the Cross-Claim of co-defendant Consolidated Edison of New York, Inc. in its entirety, for the costs and disbursements of this action and for such other, further and different relief as to the Court may be just and proper in the premises.

Dated: August 17, 2007

TREACY, SCHAFFEL, MOORE & MUELLER

By: 

Gary J. Mueller (GM 1858)
Attorneys for Defendant,
D'Onofrio General Contractors Corp.
Office and P. O. Address
111 Broadway
Suite 402
New York, New York 10006
(212) 227-8150

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TO: Bahn, Herzfeld & Mutler, LLP
Attorneys for Plaintiff,
Alf Rental Company, Inc.
555 Fifth Avenue
New York, New York 10017
Attention: Richard L. Herzfeld, Esq.

Lambert & Weiss
Attorneys for Defendant and
Third-Party Plaintiff,
Builders Resource, Inc. and
Third-Party Defendant,
Steven Allard
61 Broadway
Suite 2020
New York, New York 10006
Attention: Stephen H. Marcus, Esq.

Richard J. Giglio, Esq.
Attorney for Defendant,
Consolidated Edison Company
4 Irving Place
New York, New York 10003

Leonard J. Catanzaro, Esq.
Attorney for Defendant
Terra Dinamica
434 Broadway
New York, New York 10013

Lindabury, McCormick, Estabrook & Cooper, P. C.
Attorneys for Defendant
Coreslab Structures
26 Broadway
New York, New York 10004

Birnbaum & Birnbaum
Attorney for Third-Party Defendant
Bay Crane Service, Inc.
2 Birchwood Court
Mineola, New York 11501